

REMARKS

Claim 1 has been amended based on the disclosure at, e.g., page 3, lines 15-18, page 9, lines 20-23, and page 12, lines 14-17 in the application.

Entry of the above amendment is respectfully requested.

Priority

Applicants note that on the Office Action Summary, the Examiner has neither acknowledged Applicants' claim for foreign priority nor indicated that a copy of the certified copy of the priority document has been received from the International Bureau. Since Applicants claimed priority from JPA No. 2002-288732 in the application transmittal letter filed April 1, 2005, and since the Notice of Acceptance of Application under 35 U.S.C. 371 and 37 C.F.R. 1.495 (Form PCT/DO/EO/903) indicates that the priority document has been received, Applicants respectfully request that the Examiner acknowledge Applicants' claim for foreign priority and indicate that a copy of the certified copy of the priority document has been received from the International Bureau in the next communication from the PTO.

Anticipation Rejection

On page 2 of the Office Action, claims 1-11 are rejected under 35 U.S.C 102(b) as being anticipated by Furuya, et al (EP 0 834 494 A1 dt. 08.04.1998).

In response, Applicants note initially that the object of the present invention is to provide a method for preparing a hydroxybenzoic acid compound with high yield without using an

expensive aprotic polar organic solvent. The inventive feature of the instant invention lies in conducting the dehydration step by reacting an alkaline metal compound and an excess amount of a phenol compound which is in excess of the alkaline metal compound at a high temperature as high as 160°C or more so that alkaline metal salt of the phenol compound is provided (Claim 1). This step is conducted in the absence of an aprotic organic solvent, and claim 1 has been amended accordingly.

In Furuya, an aprotic polar organic solvent such as 1,3-dimethyl-2-imidazolidinone or sulfolane is mandatory for the process (see claims). As is discussed in the specification of the instant application, however, using aprotic polar organic solvent causes problems as follows:

First of all, aprotic polar organic solvents are very expensive and lead to a high manufacturing cost for the product.

In addition, the expensive aprotic polar organic solvent is difficult to collect from the reaction mixture because the solvent transfers into the filtrate after the acid precipitation. If one wants to collect the aprotic polar organic solvent, a complicated procedure including precipitating crystals from the reaction solution, separating the solid from the solution to obtain a wet alkali metal salt of the hydroxybenzoic acid, dissolving the wet alkali metal salt in water, and acidifying-out the solution to obtain the hydroxybenzoic acid is required (see Claim 2 of Furuya).

Further, in the case of producing an alkaline metal salt of a hydroxybenzoic acid from a phenol compound in the presence of an aprotic polar organic solvent, a side product such as a

dimer of the phenol compound is produced, and the side products contaminate the final product, i.e., the hydroxybenzoic acid compound.

According to Furuya, the reaction temperature may be up to an azeotropic temperature of the azeotropic dehydrator such as toluene or xylene and water, i.e., up to 100°C (col. 6, lines 19-30). In Furuya, the alkaline metal salt of the phenol compound could be produced well in the dehydration step even at a relatively low temperature, and the hydroxybenzoic acid compound could be obtained with high yield (examples).

Further, the yield of the hydroxybenzoic acid compound would have become extremely low if one would have conducted the dehydrating reaction between an alkaline metal compound and an excess amount of a phenol compound in the absence of an aprotic polar organic solvent at Furuya's temperature of around 100°C. In this regard, the Examiner's attention is directed to Comparative Example 1 of the present application. In the comparative example, the dehydration step was conducted at 150°C, a temperature much higher than Furuya, but no precipitation was generated by adding 73% aqueous sulfuric acid. That is, an alkaline metal salt of the phenol compound could not be produced well when the reaction temperature of the dehydration step was less than 160°C.

Thus, Furuya does not teach or suggest conducting the dehydration reaction between an alkaline metal compound and an excess amount of a phenol compound in the absence of an aprotic organic polar solvent at a temperature of 160°C or above, and

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therefore, the invention recited in Claims 1-11 is not anticipated by (or obvious over) Furuya.

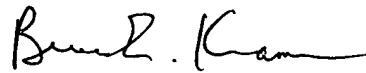
Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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